



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/055,711

01/22/2002

Edward Rebar

8325-0025

6236

20855 7590 09/30/2008

ROBINS & PASTERNAK
1731 EMBARCADERO ROAD
SUITE 230
PALO ALTO, CA 94303

EXAMINER

DUNSTON, JENNIFER ANN

ART UNIT

PAPER NUMBER

1636

MAIL DATE

DELIVERY MODE

09/30/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

CONTINUATION SHEET

The amendment filed 9/10/2008 under 37 CFR 1.116 in reply to the final rejection has NOT been entered. The final Office action, mailed 7/21/2008, is maintained.

The proposed amendments to claim 30 to exclude non-canonical zinc finger components containing only cysteine residues alters the scope of the claim such that further search and consideration is required. The prior version of claim 30 encompassed non-canonical zinc finger components containing only cysteine residues.

The response asserts that claim 30 is allowable, and the withdrawn claims should be examined. This is not found persuasive. Claim 30 is rejected. Thus, claims 3, 5, 23-24, 34-35 and 38 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim.

This application contains claims 1, 33 and 52 drawn to an invention nonelected with traverse in the replies filed on 8/3/2004 and 11/18/2004. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01. Claims 1, 33 and 52 will not be subject to rejoinder upon the allowance of the elected invention.

With regard to Applicant's arguments directed to the rejections under 35 U.S.C. 112, first paragraph, all arguments are directed to the newly amended claims. The arguments are directed to embodiments where the target sequence is a nucleic acid sequence and where the non-canonical zinc finger must contain at least one histidine residue. As discussed above, the amendments have not been entered. Therefore, the arguments are moot and will not be addressed.

Art Unit: 1636

With regard to Applicant's arguments directed to the rejections under 35 U.S.C. 103, all arguments are directed to the newly amended claims. As discussed above, the amendments have not been entered. Therefore, the arguments are moot and will not be addressed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer Dunston whose telephone number is 571-272-2916. The examiner can normally be reached on M-F, 9 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Woitach can be reached at 571-272-0739. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jennifer Dunston, Ph.D.
Examiner
Art Unit 1636

/JD/

/Celine X Qian Ph.D./
Primary Examiner, Art Unit 1636